

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Allen Stephon Marshburn

Docket No. 4:90-CR-33-1BO

Petition for Action on Supervised Release

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Allen Stephon Marshburn, who, upon an earlier plea of guilty to Conspiracy to Possess with Intent to Distribute Crack Cocaine, Schedule II Narcotic Controlled Substance, Distribution of Crack Cocaine, Schedule II Narcotic Controlled Substance (4 counts), Using or Carrying a Firearm During a Drug Trafficking Crime, Distribution of Crack Cocaine Within 1,000 Feet of an Elementary School, Maintaining a Dwelling for Distribution of Crack Cocaine, and Distribution of Crack Cocaine, Schedule II Narcotic Substance, to a Person Under 21 Years of Age, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on February 20, 1991, to the custody of the Bureau of Prisons for a term of 240 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 96 months under the standard conditions adopted by the court and the following additional conditions:

1. That the defendant remain gainfully employed.
2. That the defendant not consume or have in his possession at any time any controlled substance and shall submit to chemical analysis or other testing that may be required U.S. Probation Office.

Allen Stephon Marshburn was released from custody on November 23, 2007, at which time the term of supervised release commenced. On February 22, 2010, as a result of new criminal conduct (DWI), his conditions were modified by the court to include:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons from 6:00 p.m. Friday until 6:00 a.m. Monday for a period of (1) weekend, commencing as directed by the Bureau of Prisons and the Probation Office. He shall abide by all rules and regulations of the designated facility.

Allen Stephon Marshburn
Docket No. 4:90-CR-33-1BO
Petition For Action
Page 2

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On February 16, 2012, Marshburn submitted a urinalysis which tested positive for cocaine. Initially he denied any drug use, but upon confirmation from the lab and numerous confrontations by the probation officer, he subsequently admitted to relapsing and using cocaine. Mr. Marshburn was offered substance abuse treatment; however, he declined and advised that it was a one-time mistake which would not occur again. The defendant was placed in the Surprise Urinalysis Program for closer monitoring. To address the violation, we recommend that the conditions be modified to include 24 hours of community service. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

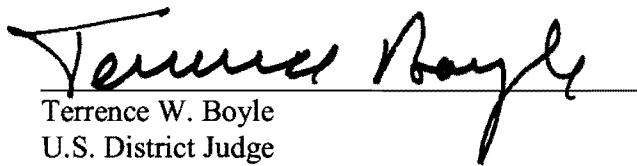
/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Erica W. Foy
Erica W. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: April 11, 2012

Allen Stephon Marshburn
Docket No. 4:90-CR-33-1BO
Petition For Action
Page 3

ORDER OF COURT

Considered and ordered this 12 day of April, 2012, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge